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S E C R E T SECTION 01 OF 03 BEIRUT 003517

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STATE FOR NEA, IO, AND L; NSC FOR
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SUBJECT: RIZK BEWILDERED BY LAHOUD'S ATTACK ON TRIBUNAL,
URGES FAST ACTION ON TRIBUNAL

REF: BEIRUT 3510

Classified By: Jeffrey Feltman, Ambassador, per 1.4 (b) and (d).

SUMMARY

¶1. (S) Over lunch with the Ambassador on 11/1, Minister of Justice Charles Rizk expressed bewilderment over the blistering attack his childhood friend (and Lebanese President) Emile Lahoud launched against him and the special Hariri tribunal on 10/30 and 10/31 (reftel). Rizk, who felt until Lahoud's attack that the tribunal was easily within reach, believes that Lahoud is motivated by Syrian orders and his own need to avoid the "infamy" the tribunal will likely bestow upon him. Saying that he was meeting the Russian ambassador the following day, Rizk urged quick achievement of a P-5 consensus on the tribunal texts. At that point, despite Lahoud's objections, Rizk has the green light from PM Siniora to table the text before the cabinet for immediate debate. He is now working to secure the approval of Nabih Berri and Hizballah, in hopes that cabinet action on the tribunal will distract parties from street action to change the Siniora cabinet. With his presidential ambitions more visible than ever, Rizk also argues that quick action on the tribunal will embarrass and corner Lahoud and possibly pave the way to a quick presidential transition -- with Rizk hoping to emerge as the successful replacement of Lahoud. End summary.

LAHOUD WELL BRIEFED
ON TRIBUNAL NEGOTIATIONS

¶2. (C) Hosting the Ambassador to lunch in his Ministry of Justice office suite, Rizk said that he could not understand the belated, "vicious" attacks (both oral and written) by Lahoud (reftel) on his Ministry's work in negotiating with the UN Office of Legal Affairs (UN/OLA) on the special tribunal to try suspects in the assassination of Rafiq Hariri. After all, Rizk said, Lahoud was a participant in the cabinet meetings where Rizk provided regular progress reports on the GOL-UN/OLA negotiations, and Lahoud received all copies of correspondence with the UN. Lahoud's arguments about the President's constitutional prerogatives also did not hold water in the post-Taif era, Rizk said, and were clearly a transparent attempt to raise Christian paranoia about Lebanon's Muslims eroding the powers of the presidency. Rizk noted that the two judges working on the tribunal, Ralf Riachy and Choukri Sadr, are (like Rizk) both Christians, so Lahoud is particularly disingenuous in trying to raise

Christian fears.

LAHOUD'S CRITICISM OF TRIBUNAL
IGNITES PARLIAMENTARY ATTACK

13. (C) Rizk said that, in the middle of the Israeli-Lebanese conflict this summer, Lahoud had sent him a private note complaining of some aspects of the tribunal, but nothing Lahoud had said subsequently to Rizk or at the cabinet had prepared the Minister for Lahoud's attack. At best, Lahoud was making himself and the presidency "look silly," Rizk said. "For the first time in my life, I was ashamed of being a Maronite," Rizk said, in relating some of the more colorful statements about Lahoud by MPs in the 10/31 opening session of the parliament. No one, not even Hizballah, stood to defend Lahoud against the onslaught of parliamentary criticism to Lahoud's 32-pages of written objections to the tribunal summarized in that morning's papers. Parliament Speaker Nabih Berri, according to Rizk, visibly enjoyed Marwan Hamadeh's use of an Arab quotation that "a prostitute speaks most virtuously of virginity" in describing Lahoud's objections to the tribunal. When PM Siniora mistakenly addressed Berri in the session with the title normally reserved for heads of state ("fuhamat al-ra'is"), "the whole chamber applauded," Rizk lamented. "Look what Lahoud has done to the presidency!"

LAHOUD'S CRITICISMS ORDERED,
POSSIBLY DRAFTED, BY SYRIA

14. (C) Rizk said he could only explain his childhood friend's behavior by two things: orders from Syria to stop

BEIRUT 00003517 002 OF 003

the tribunal at all costs, and Lahoud's own desire to escape culpability. Lahoud "must have known" in advance about Hariri's assassination, Rizk said, and now he wants to escape the "infamy" that would result from the special tribunal. In reading Lahoud's written objections, Rizk said that he was convinced of Syrian authorship, with "plenty of help" from former Minister of Justice Adnan Addoum and Judge Selim Jeressaiti, both pro-Syrian figures close to Lahoud. While he had ordered Riachy and Sadr to prepare a written response to Lahoud's objections "in order to be constitutionally correct," Lahoud's criticisms were without merit, Rizk said.

RUSSIAN OBJECTIONS LEAD
TO "COURT WITH NO TEETH"

15. (C) Rizk said that he found it particularly disheartening that, until the Lahoud outburst and recent Russian objections (which he also credited to Syrian influence in Moscow), "we were almost there," in terms of a Lebanese consensus in support of the tribunal. Sharing copies of 10/27 drafts of the tribunal's statute and the agreement between the UN and GOL on the tribunal's establishment (both of which were faxed to NEA/ELA), Rizk lamented that, in some aspects, the P-5 consultations on the tribunal had resulted in a "court with no teeth." The clauses on lifting immunity are gone, he claimed, thus protecting Lahoud and Bashar al-Asad from prosecution. But despite his disappointment about the court's alleged weakness as the UN struggled to get P-5 consensus, Rizk said that he still found the exercise useful. Imagine, he said, if it's clear that Bashar al-Asad and Emile Lahoud are implicated by the tribunal. Even if they can't be prosecuted, they will be discredited and ostracized.

16. (C) Rizk fretted that P-5 consensus in New York is "taking too long." The Russians, he said, are still trying to remove language about the responsibility of superiors for actions undertaken by subordinates, and the Russians also want the Security Council, not the Secretary General, to

assign judges, to ensure a weak court. The Russians want the tribunal's authority confined to the Hariri case only. Rizk said that he was having lunch with Russian Ambassador Serge Boukin the following day in hopes of moving the Russians toward acceptance of the current text.

URGING QUICK ACTION ON TRIBUNAL
TO "SAVE" SINIORA CABINET

17. (S) Insisting that the action on the tribunal documents currently rests in New York, Rizk urged quick action on achieving P-5 consensus. If, Rizk said, UN/OLA officially forwarded documents "today or tomorrow" that have P-5 consensus, then he has Siniora's backing to bring the documents immediately to the cabinet for debate and discussion. Thus, he said, the tribunal has the potential to distract those who are now concentrating on changing the Siniora cabinet. The debate on the tribunal might even be able to "save" the Siniora cabinet, Rizk said, since even Hizballah ministers will be "too embarrassed" to reject the tribunal out of hand. If the tribunal documents, with P-5 consensus, get to the cabinet right away, the whole idea of street action to change the Siniora cabinet could change, Rizk insisted, since it would be "too transparent" for Hizballah to walk out of the cabinet and turn to the street during debate on the tribunal.

18. (S) Rizk said that, working quietly behind the scenes, he believes has has "almost won" Nabih Berri's blessing for the tribunal as defined in the current drafts. While he has not seen Hizballah Secretary General Hassan Nasrallah in months, Rizk quoted Nasrallah's television interview of the previous night to note that Nasrallah, unlike Lahoud, only noted the need to study the details of the tribunal. Nasrallah, Rizk argued, did not and cannot reject the tribunal outright, lest he risk an outbreak of Sunni-Shia clashes he can't control. Having shared drafts with Hizballah over the last few weeks, Rizk expressed confidence that, while Hizballah doesn't like the idea, Hizballah is generally on board.

AND HOPING THE TRIBUNAL
LEADS TO A RIZK PRESIDENCY

BEIRUT 00003517 003 OF 003

19. (S) The other advantage of moving fast for P-5 consensus now, Rizk said, is that the tribunal issue can "corner" and "embarrass" Lahoud, to the point where it may become easier to remove him. If the cabinet approves the tribunal despite Lahoud's oral and written outbursts, his humiliation might spark a change in the presidency. Rizk said that he thought the tribunal issue -- and even Lahoud's tirades against him -- had burnished his own credentials for the presidency. If he gets the tribunal approved by the cabinet, then the Hariris will be more likely to back him. Berri, he claims, would probably accept Rizk as a fallback to Berri's preferred candidate of Jean Obeid. The Patriarch and Walid Jumblatt just want Lahoud out and would accept even an ex-friend of Lahoud. Hizballah, he predicted, would not veto him, for fear that March 14 would propose someone worse from the Hizballah perspective. If the presidency changes, then the whole argument over a national unity cabinet changes, Rizk pointed out, since the cabinet constitutionally resigns when a new president takes office.

COMMENT

10. (S) While Rizk's hurt about his ex-friend Lahoud's attack appeared genuine, Rizk should hardly be surprised: after all, months ago, Rizk calculated that his best, if not only, chance to achieve the presidency under a March 14-dominated parliament was to overcome the odor of his

friendship with Lahoud by presenting himself as the father of the special tribunal. He now clearly relishes the increased international profile he has achieved through supporting the tribunal. We agree with Rizk that Lahoud's attacks have increased his political profile and perceived independence considerably. We also guess that Rizk's head would be one of the first on the chopping block, were Hizballah and Michel Aoun able to force a cabinet change on Lebanon: Rizk has proven to be too cooperative on the special tribunal, and Michel Aoun has announced his intention to place one of his advisors as Justice Minister.

11. (S) Rizk probably exaggerates the potential of the tribunal issue to stave off the Hizballah-Aoun campaign to use the street to force a cabinet change. Given the heightened political tensions in Lebanon today, we're not convinced Hizballah and those allied with Lahoud will be as reluctant as Rizk thinks to oppose the tribunal outright. Cabinet debate on the tribunal could lead to the very clashes Rizk argues can be averted by the tribunal. But, with such street action looking increasingly likely in any case, it is certainly worth a try to distract attention from the Hizballah threats of street demonstrations. In order to keep the pro-Syrians off balance, we hope that tribunal drafts, with P-5 endorsement, arrive in Lebanon as soon as possible.
FELTMAN